

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

METROPOLITAN FIRE PROTECTION, : CIVIL ACTION  
CO., INC., : NO. 10-3661  
: Plaintiff, :  
: :  
v. :  
: :  
METROPOLITAN FIRE PROTECTION, :  
INC., et al., :  
: Defendants. :

O R D E R

**AND NOW**, this **1st** day of **March, 2011**, pursuant to the entry of Default Judgment, dated March 1, 2011, and upon notice and after a hearing on Plaintiff's motion for Default Judgment it is hereby **ORDERED** that said motion is **GRANTED**.<sup>1</sup> With the entry of these default judgments it is **FURTHER ORDERED** that:

1) Defendants, Metropolitan Fire Protection, Inc. a Maryland Corporation, Carlos Antonio Fleming, and/or any other business enterprise owned, managed or associated with Carlos Antonio Fleming is hereby **ENJOINED**, **BARRED** and **PROHIBITED** from: operating, advertising, managing or otherwise conducting business within the jurisdictional limits of the Commonwealth of Pennsylvania under the name "Metropolitan Fire Protection" and/or any other business name incorporating, suggesting or otherwise

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<sup>1</sup> Defendants failed to appear at the March 1, 2011 hearing. Defendants were served with original process, Plaintiff's request for default, and a copy of the Court's order scheduling a hearing for March 1, 2011. (See docket entries 5, 6, 10, 11, & 14.)

identifying themselves with any name that includes the words or terms "Met," "Metro," and/or "Metropolitan."

2) Defendants, Metropolitan Fire Protection, Inc. a Maryland Corporation, Carlos Antonio Fleming, and/or any other business enterprise owned, managed or associated with Carlos Antonio Fleming **shall within ten (10) days of this Order** provide to Plaintiff copies of any and all advertisements, mailings, emails, pamphlets or any other business solicitation they have undertaken, delivered or purchased within the jurisdictional limits of the Commonwealth of Pennsylvania.

3) Defendants, Metropolitan Fire Protection, Inc. a Maryland Corporation, Carlos Antonio Fleming, and/or any other business enterprise owned, managed or associated with Carlos Antonio Fleming **shall within ten (10) days of this Order** provide Plaintiff with a list of all customers or potential customers they have contacted within the jurisdictional limits of the Commonwealth of Pennsylvania.

4) Defendants, Metropolitan Fire Protection, Inc. a Maryland Corporation, Carlos Antonio Fleming, and/or any other business enterprise owned, managed or associated with Carlos Antonio Fleming **shall within ten (10) days of this Order** provide Plaintiff a full, complete and meaningful list of all projects, jobs, consultations or any other form of business service

provided, scheduled to be provided, or bid within the jurisdictional limits of the Commonwealth of Pennsylvania.

It is **FURTHER ORDERED** that Defendants' conduct constitutes an "exceptional case" under 15 U.S.C. §1117(a) such that Plaintiff is entitled to recovery from Defendants its reasonable attorney fees incurred because of Defendants' culpable conduct. Plaintiff's attorney **shall file with this Court within 20 days of this Order** an affidavit attesting to the total attorney fees and costs incurred by Plaintiff as a result of Defendants' conduct, including, pre-lawsuit notices and activities and the fees and costs associated with the instant litigation.<sup>2</sup>

It is **FURTHER ORDERED** that an assessment of damages hearing to consider other damages sustained by Plaintiff shall be scheduled for this matter upon the written request of Plaintiff.<sup>3</sup>

**AND IT IS SO ORDERED.**

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s/Eduardo C. Robreno  
**Eduardo C. Robreno, J.**

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<sup>2</sup> Defendants shall have ten (10) days to object to the amount of attorney fees.

<sup>3</sup> The Court shall retain jurisdiction to enforce this order and to award damages including net profits, if appropriate.

